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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,560	03/07/2002	Hideki Akiyama	0505-0965P	9103

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,560

Applicant(s)

AKIYAMA ET AL.

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 1992 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "L1" has been used to designate a specific length in figures 1 and 2A and then a different length in figure 5, and reference character "L2" has been used to designate a specific length in figures 3 and 4A and then a different length in figure 9.

Figures 10A and 10B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: hollow portion 1107 (figures 10A, 10B). In addition, the drawings include the following reference sign(s) not mentioned in the description: 1106 (figures 10A, 10B).

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: the phrase "an vehicle" should be "a vehicle" (paragraph 0015), the term "consequent" should be "consequence" (paragraphs 0056, 0058, 0067, 0075), the term "member" should be "members" (paragraph 0026). Appropriate correction is required.

***Claim Objections***

4. Claims 1 and 5 are objected to because of the following informalities: "an vehicle" should be "a vehicle" in line 1 of claims 1 and 5. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the length" in line 3; claim 2 recites the limitations "the crushing amount" in line 2 and "the front end of the riding space" in line 4; claim 5 recites the limitation "the rear ends" in line 6; claim 6 recites the limitation "the crushing amount" in line 2. There is insufficient antecedent basis for these limitations in the claims.

In addition, claims 3 and 7 present "shock absorbing members" in line 5, thus implying that there is more than one shock absorbing member. This is contrary to the claim of "a shock absorbing member" in independent claims 1 and 5.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers (3,831,997). In regards to claims 1 and 5, Myers discloses a vehicle (#11) with a riding space (#16) for an occupant and a shock absorbing structure (#13, 14, 21-25) for the vehicle comprising a bumper member (#13, 14, 21, 23) extending substantially along a length of the vehicle for receiving an external force heading from a front side (near #23) of the vehicle to the occupant and for absorbing a side force (near #13, 14, 21) and a shock absorbing member (#22) connected at rear ends (between #14 and 15) of the bumper member.

In regards to claims 3 and 7, Myers discloses the bumper (#13, 14, 21, 23) being a U-shaped member including a front portion (#23) for engaging an obstruction and

rearwardly extending portions (#13, 14, 21) that project rearwardly from the front portion of the bumper, the rearwardly extending portions being disposed adjacent to the shock absorbing member (#22) for absorbing shock during an accident (column 2, lines 9-13).

9. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hachet et al. (6,158,356). In regards to claims 1 and 5, Hachet et al. disclose a vehicle with a riding space (#2, 3) for an occupant and a shock absorbing structure (#9-11) for the vehicle comprising a bumper member (#10, 11) extending substantially along a length of the vehicle (best seen in figure 2) for receiving an external force heading from a front side (near #10, 11) of the vehicle to the occupant and for absorbing a side force (near side portions of #10) and a shock absorbing member (#9) connected at rear ends (near #4) of the bumper member (#9 connected to #10 via #4).

In regards to claims 2, 4, 6, and 8 Hachet et al. disclose a crushing amount of the shock absorbing member being an effective crushing length (length of #9B), which is the length from the front side of the vehicle to a front end of the riding space (the length of #9B is equivalent to the distance between the front of #11 and the riding space within #2).

In regards to claim 3 and 7, Hachet et al. disclose the bumper (#10, 11) being a U-shaped member including a front portion (#11 and front portion of #10) for engaging an obstruction and rearwardly extending portions (side portions of #10) that project rearwardly from the front portion of the bumper, the rearwardly extending portions being

disposed adjacent to the shock absorbing member (best seen in figure 2) for absorbing shock during an accident (column 4, lines 37-40).

10. Claims 9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Renault (6,435,577). In regards to claim 9, Renault discloses a shock absorbing structure (best seen in figure 1) for a vehicle for absorbing an impact by having a shock absorbing body (#10, 32, 34) projecting from a vehicle body crushed during impact. The shock absorbing body comprises an upper shock absorbing member (#10) disposed on an upper side (near #4) and a lower shock absorbing member (#32) disposed below the upper shock absorbing member (best seen in figure 1). The upper and lower shock absorbing members are formed of two types of members having different crushing features (column 4, lines 46-52).

In regards to claim 11, Renault discloses the two members (#10, 32) being constructed of foamed resin of the same material but different in crushing feature due to a different in density (column 4, lines 46-52).

In regards to claim 12, Renault discloses the shock absorbing body (#34) having an angular C-shape (best seen in figures 1, 2).

In regards to claim 13, Renault discloses the upper shock absorbing member being spaced a predetermined distance relative to the lower shock absorbing member (best seen in figure 1).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renault (6,435,577). In regards to claim 10, Renault teaches the lower shock absorbing member having a higher density, thus being more difficult to deform by a low load in comparison with the upper shock absorbing member. The upper and lower shock absorbing members are configured in this manner to compensate for a specific car styling (column 4, lines 33-46). Thus, it would have been an obvious engineering design choice to include a lower shock absorbing member which is easily deformable by a low load in comparison with the upper shock absorbing member as claimed so as to compensate for varying body styles and to provide an effective arrangement of the shock absorbing members.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forgy, Papacosta, Behr, Sibley, Strohschein, Kramer et al., Puleo, Weller, Taylor, Orima, Loren et al., Molnar, Muselli et al., Fantauzzo, Glance, Hartmann et al., Sherno, Tan et al., Sato et al., Iwamoto et al., Cate et al., Queveau et al., and Armand disclose shock absorbing systems.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Thursday, alternating Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached at (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



LBR  
June 26, 2003



PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600